

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: John Butler	Team: Squad #5	CCRB Case #: 201600660	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/25/2015 8:24 PM	Location of Incident: § 87(2)(g) [REDACTED]	Precinct: 46	18 Mo. SOL 5/25/2017	EO SOL 5/25/2017	
Date/Time CV Reported Wed, 01/20/2016 8:45 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 01/20/2016 8:45 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Stephanie Cepeda	15501	944028	046 DET
2. DT3 Lyudmila Howell	1010	944084	WARRSEC
3. DT3 Cornelius Oshea	741	935419	WARRSEC
4. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Michael Prilook	2030	933205	WARRSEC
2. DT3 Juan Jimenez	4642	938718	046 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Lyudmila Howell	Abuse: Detective Lyudmila Howell entered and searched § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
B.DT3 Cornelius Oshea	Abuse: Detective Cornelius Oshea entered and searched § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
C.POF Stephanie Cepeda	Abuse: Police Officer Stephanie Cepeda entered and searched § 87(2)(b) [REDACTED] in the Bronx.	[REDACTED]
D. An officer	Abuse: An officer damaged § 87(2)(b) [REDACTED] s property.	[REDACTED]

Case Summary

§ 87(2)(b) filed this complaint online with the CCRB on January 20, 2016. On November 25, 2015, at approximately 8:24 p.m., PO Stephanie Cepeda of the 46th Precinct Detective Squad, Det. Lyudmila Howell of the Bronx Warrant Section, and Det. Cornelius O'Shea of the Bronx Warrant Section entered the § 87(2)(b) of § 87(2)(b)'s residence at § 87(2)(b) in the Bronx (**Allegations A, B, and C**). After the officers' entry, § 87(2)(b) allegedly discovered that the § 87(2)(b) door lock and the door frame were damaged, and he alleged that one of the officers caused this damage during their initial entry into the basement (**Allegation D**). § 87(2)(b) was not arrested or issued a summons during the incident (BR 01).

There is no video footage of this incident.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

This complaint was unsuitable for mediation due to § 87(2)(b)'s property damage allegation. § 87(2)(b) did not file a notice of claim in regards to this incident (BR 02). § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

This is § 87(2)(b)'s first CCRB complaint (BR 03).

PO Cepeda has been a member of the NYPD for nine years and has been the subject of two prior complaints involving four allegations, none of which were substantiated. § 87(2)(g)

Det. Howell has been a member of the NYPD for nine years and has been the subject of two prior CCRB complaints involving three allegations, none of which were substantiated. § 87(2)(g)

Det. O'Shea has been a member of NYPD for 11 years and has been the subject of three prior CCRB complaints involving five allegations, none of which were substantiated. § 87(2)(g)

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) described the subject officers as two Hispanic or white males in uniform and one Hispanic or white female in uniform. PO Cepeda and Det. Howell are Hispanic females, and Det. O'Shea is a white male. These officers were also dressed in plainclothes during the incident.

§ 87(2)(g)

§ 87(2)(b) The officers stated that there were no uniformed officers present during the incident.

Allegation A – Abuse of Authority: Detective Lyudmila Howell entered and searched § 87(2)(b) in the Bronx.

Allegation B – Abuse of Authority: Detective Cornelius Oshea entered and searched § 87(2)(b) in the Bronx.

Allegation C – Abuse of Authority: Police Officer Stephanie Cepeda entered and searched § 87(2)(b) in the Bronx.

It is undisputed that Det. Howell, Det. O'Shea, and PO Cepeda § 87(2)(b) in the Bronx (BR 01 and BR 04-06).

§ 87(2)(b)'s residence at § 87(2)(b) is a two story private home with a basement used for storage (BR 01). § 87(2)(b) and his cousin, § 87(2)(b), co-own the

entire home, including the basement. § 87(2)(b)'s residence shares a driveway with § 87(2)(b). The driveway ends in an open backyard behind § 87(2)(b). There is one exterior entrance to the basement of § 87(2)(b) which is located directly behind § 87(2)(b). There is also one interior door leading to the basement from the first floor of the house. During the incident, § 87(2)(b) was on the second floor of the house, and § 87(2)(b) was on the first floor with his § 87(2)(b) year old daughter and § 87(2)(b) old daughter.

According to the officers, Det. Howell, Det. O'Shea, and Det. Michael Prilook of the Bronx Warrant Section responded to the incident location to arrest § 87(2)(b) on a bench warrant and an I-Card (BR 04-06). Det. Howell called PO Cepeda for backup because PO Cepeda was the investigating officer assigned to § 87(2)(b) I-Card. PO Cepeda and her partner, Det. Juan Jimenez of the 46th Precinct Detective Squad, met the warrant squad detectives on the scene.

Det. Howell was the warrant squad officer assigned to § 87(2)(b) case. Prior to arriving on the scene, Det. Howell possessed an active bench warrant for § 87(2)(b) for criminal sale of a controlled substance in the third degree. Det. Howell also possessed an active I-Card with probable cause to arrest § 87(2)(b) for grand larceny in the third degree. These documents listed § 87(2)(b) address as § 87(2)(b) and § 87(2)(b) I-Card specified that she lived in the § 87(2)(b). Police documentation confirmed that § 87(2)(b) had an active I-Card and bench warrant for the charges mentioned by Det. Howell on the date of the incident (BR 07-08).

Prior to arriving on the scene, Det. Howell also investigated § 87(2)(b) warrant history and discovered that § 87(2)(b) previously fled from police officers who attempted to arrest her on a bench warrant. Police documentation confirmed that § 87(2)(b) previously fled from warrant squad officers who tried to apprehend her at § 87(2)(b) (BR 10).

Det. Howell also stated that she conducted a warrant check for § 87(2)(b) because the location shared a driveway and backyard with § 87(2)(b). This search allegedly revealed an active warrant for one individual at § 87(2)(b). Det. Howell did not recall what kind of warrant she found for § 87(2)(b) she did not recall the name of the individual listed on this warrant; and she did not recall whether this warrant specified a particular floor on which the suspect resided. Police document requests revealed that there was an active bench warrant for § 87(2)(b) at § 87(2)(b) on the date of the incident (BR 09). This warrant was issued on § 87(2)(b).

Det. O'Shea also claimed that the officers possessed prior arrests reports for § 87(2)(b) listing her address as § 87(2)(b). Det. Howell stated that the officers did not possess any documentation listing § 87(2)(b) address as § 87(2)(b). Database searches for § 87(2)(b) arrest history over the past 10 years did not reveal any arrest report listing § 87(2)(b) address as § 87(2)(b) (BR 11).

Det. Howell stated that she informed Det. O'Shea and Det. Prilook of all of these investigative steps prior to responding to the incident location. PO Cepeda did not obtain all of this information and only knew that Det. Howell possessed an I-Card for § 87(2)(b).

Upon their arrival, Det. Howell, Det. O'Shea, and PO Cepeda walked down the shared driveway between § 87(2)(b).

Det. Jimenez and Det. Prilook remained in front of the location during the incident.

An unidentified female civilian allowed the officers to enter and search the basement of § 87(2)(b) for § 87(2)(b). Det. Howell and Det. O'Shea entered the residence while PO Cepeda remained outside. While inside the house, this female civilian told Det. Howell and Det. O'Shea that § 87(2)(b) left the apartment a few minutes prior to the officers' arrival. This female civilian told them that § 87(2)(b) "sometimes hangs out" in the basement of § 87(2)(b). Neither Det. Howell nor Det. O'Shea knew the name of this female, and they

Allegation D – Abuse of Authority: An officer damaged § 87(2)(b)s property.

§ 87(2)(b) alleged that his basement door was shut and locked prior to the officers' entry, and § 87(2)(b) alleged that the officers forcibly entered his basement through the locked door, causing the bolt lock to the door to fall off and damaging the door frame such that the door could no longer close. § 87(2)(b) provided a picture of this alleged damage to the CCRB during his interview on February 4, 2016 (BR 16). § 87(2)(b) did not see any officer damage his basement door, and he discovered the alleged damage to his door after the officers left the basement.

PO Cepeda, Det. Howell, and Det. O'Shea acknowledged entering the basement and stated that no other officer entered the basement. All of the officers denied damaging the basement door, and all of the officers stated that the door was open at the time of their entry.

§ 87(2)(g)

Squad:

Investigator: _____

Signature	Print	Date
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Squad Leader: _____

Title/Signature	Print	Date
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Reviewer: _____

Title/Signature	Print	Date
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